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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,184	10/20/2003	Felix L. Sorkin	1101-169	6670

7590 09/12/2006
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EXAMINER

DREIDAME, HUNTER M

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,184	Applicant(s) SORKIN, FELIX L.	
	Examiner Hunter M. Dreidame	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood: paragraph 27 of the specification does not explain what it means to "push the receiving area away from the wall of the structure."

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

A shortened statutory period for reply to this action is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

Claim Objections

Claims 1, 3, and 12 are objected to because of the following informalities:
line 7 of claims 1 and 12 discloses a "position"; this should be "portion". Line 2 of claim 3 discloses "extending an a greater angle"; this should be "extending at a greater angle. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 12, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially" in claims 2, 12, and 19 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent D334,133 to Hartzheim.

Claim 1:

Hartzheim discloses a chair comprising a receiving area (figure 1); and a plurality of legs extending downwardly from said receiving area (figure 1), each of said plurality of legs comprising: a first portion extending at an angle outwardly from said receiving area (figure 1); and a second portion extending at an end of said first position opposite said receiving area (figure 1), said second portion extending vertically downwardly or inwardly from said end of said first portion (figure 1).

Claim 2:

The chair of Claim 1, said first portion having a length substantially greater than a length of said second portion (figures 1, 2, and 3).

Claim 9:

The chair of Claim 1, said receiving area having a horizontal section and a generally parabolic section extending transverse to said horizontal section (figure 1).

Claim 10:

The chair of Claim 9, a first of said plurality of legs extending downwardly from one end of said horizontal section, a second of said plurality of legs extending downwardly from an opposite end of said horizontal section, and third

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of said plurality of legs extending downwardly from one end of said generally parabolic section, a fourth of said plurality of legs extending downwardly from an opposite side of said generally parabolic section (figure 1).

Claims 1, 8, 12, 13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent D271,847 to Hernandez.

Claim 1, 12:

Hernandez discloses a chair comprising a receiving area (figures 1, 2, and 3); and a plurality of separate legs extending downwardly from said receiving area (figures 1, 2, and 3), each of said plurality of legs comprising: a first portion extending at an angle outwardly from said receiving area (figures 1, 2, and 3); and a second portion extending from an end of said first position opposite said receiving area (figures 1, 2, and 3), said first portion having a length substantially greater than a length of said second portion (figures 1, 2, and 3), said second portion extending at an angle that is different than said angle that said first portion extends from said receiving area (figures 1, 2, and 3).

Claim 8:

The chair of Claim 1, each of said plurality of legs being separated from and unconnected to an adjacent leg other than at said receiving area (figures 1, 2, and 3).

Claim 13:

The chair of Claim 12, said second portion extending vertically downwardly or inwardly from said end of said second portion (figures 1, 2, and 3).

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Claim 16:

The chair of Claim 12, each of said plurality of legs being separated from and unconnected to an adjacent leg other than at said receiving area (figures 1, 2, and 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 – 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent D334,133 to Hartzheim in view of US Patent 5,791,095 to Sorkin.

Claim 5:

Hartzheim discloses the chair of Claim 1 (figure 1), said second portion having a flat bottom surface opposite said end of said first portion (figure 1). Hartzheim does not disclose a pin member. Sorkin teaches a pin member extending vertically downwardly from said flat bottom surface (figures 1, 2, and 3). In view of Sorkin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pin member on the bottom surface of Hartzheim's leg to improve stability.

Claim 6:

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The chair of Claim 5, said pin member being a single pin member of inverted conical shape (Sorkin, figures 1, 2, and 3).

Claim 7:

The chair of Claim 5, said pin member having a point formed at an end thereof opposite said flat bottom surface (Sorkin, figures 1, 2, and 3).

Claim 11:

The chair of Claim 1 (Hartzheim, figure 1), said receiving area and said plurality of legs being integrally formed together of a nylon material (Sorkin, column 26, lines 23 – 24)

Claims 3, 4, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent D334,133 to Hartzheim in view of US Patent D271,847 to Hernandez.

Claims 3, and 14:

Hartzheim discloses the chair of Claim 1 and Claim 12 (figure 1). Hartzheim does not disclose or suggest a first portion having an inner side and an outer side, with an inner side extending at a greater angle with respect to vertical than an angle that the outer side extends with respect to vertical (Hernandez, figures 1, 2, and 3). Hernandez teaches a first portion having an inner side and an outer side, with an inner side extending at a greater angle with respect to vertical than an angle that the outer side extends with respect to vertical (figures 1, 2, and 3). In view of Hernandez, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the

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portions of Hernandez with the chair of Hartzheim to increase the strength in the chair legs.

Claim 4:

Hartzheim discloses the support given above in combination with Hernandez. Hartzheim further discloses a support wherein the second portion has inner and outer edges tapering toward each other away from the first portion (figures 2 and 3).

Claims 15 and 17 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent D271,847 to Hernandez in view of US Patent 5,791,095 to Sorkin.

Claim 15:

Hernandez discloses the chair of claim 12 having a flat bottom surface on the second portion opposite the end of the first portion (figures 1, 2, and 3). Hernandez does not disclose a leg further comprising a pin member extending vertically downwardly from the flat bottom surface. Sorkin teaches a pin member extending vertically downwardly from a flat bottom surface (figures 1, 2, and 3). In view of Sorkin, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have modified the chair of Hernandez with the pin member of Sorkin in order to create a more stable chair.

Claim 17:

Hernandez discloses a chair comprising a receiving area and a plurality of legs extending downwardly from said receiving area, each of said plurality of legs

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comprising a first portion extending at an angle outwardly from said receiving area, and a second portion extending at an end of said first portion opposite said receiving area, said second portion having a flat bottom surface opposite said end of said first portion (figures 1, 2, and 3). Hernandez does not disclose a single pin member extending vertically downwardly from said flat bottom surface. Sorkin teaches a pin member extending vertically downwardly from a flat bottom surface. In view of Sorkin, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have modified the chair of Hernandez with the pin member of Sorkin in order to create a more stable chair.

Claim 18:

The chair of Claim 17, said pin member being of an inverted conical shape (Sorkin, figures 1, 2, and 3) and having a point formed at an end thereof opposite said flat bottom surface (Sorkin, figures 1, 2, and 3).

Claim 19:

The chair of Claim 17, said second portion extending vertically downwardly or inwardly from said end of said first portion (Hernandez, figures 1, 2, and 3), said first portion having a length substantially greater than a length of said second portion (Hernandez, figures 1, 2, and 3).

Claim 20:

The chair of Claim 17, each of said plurality of legs being separated from and unconnected to an adjacent leg other than at said receiving area (Hernandez, figures 1, 2, and 3).

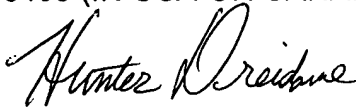
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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter M. Dreidame whose telephone number is (571)272-5177. The examiner can normally be reached on Monday - Friday 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571)272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HD



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